

**AMENDMENTS TO THE CLAIMS:**

The following listing of claims replaces all prior listings, and all prior versions, of claims in the application.

**LISTING OF CLAIMS:**

1. (Cancelled).
2. (Previously presented) The fuel cell assembly of claim 18, wherein said porous member is made of a hydrophilic polymer material, a carbonaceous porous material, or a composite material thereof.
3. (Previously presented) The fuel cell assembly of claim 18, wherein the thickness of a humidifying water inlet of said humidifier is 1/2 to 3/4 of the thickness of said porous member.
4. (Previously presented) The fuel cell assembly of claim 18, wherein a water permeable membrane having a function to transmit water is formed on porous material of the water-retaining layer.
5. (Original) The fuel cell assembly of claim 4, wherein said water permeable membrane is 0.01 to 0.1 micrometer on a mean micro-pore diameter and 10 to 100 micrometers thick.
6. (Original) The fuel cell assembly of claim 4, wherein said water permeable membrane has a porosity of 50 to 90%.

7. (Previously presented) The fuel cell assembly of claim 4, wherein said water permeable membrane is one or more membranes that are treated to be hydrophilic and are selected from the group consisting of polytetrafluoroethylene, polystyrene, and copolymers of styrene and butadiene.
8. (Previously presented) The fuel cell assembly of claim 18, wherein the water-retaining layer of said humidifier has a carbonaceous porous filter.
9. (Currently amended) The fuel cell assembly of claim 18, wherein said porous member has a hydrogen-oxidizing catalyst dispersed therein.
10. (Previously presented) The fuel cell assembly of claim 18, wherein said humidifier is provided for each or a group of said unit fuel cells.
11. (Previously presented) A power generation system comprising an apparatus which produces or stores a hydrogen containing gas and a fuel cell assembly connected to said apparatus with a piping through which said fuel gas flows, wherein said fuel cell assembly of claim 18 generates electricity using said fuel gas from said apparatus.
12. (Currently amended) A fuel cell assembly including at least one unit fuel cell comprising a cathode, an anode, water permeable membrane electrolyte placed therebetween, and a humidifier, wherein said humidifier which humidifies at least one of the oxidizing gas and the fuel gas is equipped with a water-retaining layer having a mean micro-pore diameter of 10 to 300  $\mu\text{m}$  and a thickness of 50 to 300  $\mu\text{m}$ .

whereby water is retained by capillary force by said water-retaining layer when the at least one unit fuel cell is not working and is taken by the at least one of the oxidizing gas and the fuel gas against the capillary force, when the at least one unit fuel cell is working.

13. (Original) The fuel cell assembly of claim 12, wherein said water-retaining layer has a hydrophilic porous member.

14. – 15. (Cancelled).

16. (Original) The fuel cell assembly of claim 12, wherein said water-retaining layer has a porous member which is provided opposite to said unit fuel cell and has a water supplying surface; and water is supplied from part of a surface opposite to the water supplying surface of the porous member and/or from the outer edge of said porous member.

17. (Currently amended) A fuel cell assembly including at least one unit fuel cell comprising a cathode, an anode, and a membrane electrolyte placed therebetween, wherein said fuel cell assembly further comprises a humidifier to humidify a fuel gas which is fed to said anode and an oxidizing gas fed to said cathode; said humidifier has a hydrophilic water-retaining layer which has a mean micro-pore diameter of 10 to 300  $\mu\text{m}$  and a thickness of 50 to 300  $\mu\text{m}$ , and is provided to the flow channels of said fuel gas and said oxidizing gas and has one surface to supply water to said flow channels, whereby water is retained by capillary force by said water-retaining layer when the at least one fuel cell is not working and is taken by gas fed to said anode

and gas fed to said cathode against the capillary force when the at least one unit fuel cell is working; and water is supplied from part of a surface opposite to the water supplying surface and/or from the outer edge of said water-retaining layer.

18. (Currently amended) A fuel cell assembly comprising: a stack of unit fuel cells each having a cathode, an anode and a membrane electrolyte sandwiched between the cathode and anode, and a humidifier, connected to the stack, for humidifying fuel gas fed to the anode and oxidizing gas fed to the cathode,

wherein a water-retaining layer of the humidifier is disposed to face gas flow channels of the stack to humidify at least one of the fuel gas and oxidizing gas and the membrane electrolyte, the water-retaining layer being made of a hydrophilic porous member having a mean micro-pore diameter of 10 to 300  $\mu\text{m}$  and a thickness of 50 to 300  $\mu\text{m}$ , whereby water is retained by capillary force by said water-retaining layer when the stack of unit fuel cells is not working and is taken by gas fed to said anode and gas fed to said cathode against the capillary force when the stack of unit fuel cells is working.

19. (Previously presented) The fuel cell assembly according to claim 18, wherein water retained in the water-retaining layer is supplied to said flow channels from at least one of part of the opposed surface of the porous member and the outer periphery of said porous member.

20. (Previously presented) The fuel cell assembly according to claim 18, having at least two water retaining layers.

21. (Previously presented) The fuel cell assembly according to claim 8, wherein said carbonaceous porous filter controls flow rate of water to the water-retaining layer.

22. (Currently amended) A fuel cell assembly including at least one unit fuel cell comprising a cathode, an anode, and a membrane electrolyte placed therebetween, and a humidifier, wherein said humidifier, which humidifies the oxidizing gas, is equipped with a water-retaining layer, and wherein said water-retaining layer is 10 to 300 micrometers on a mean micro-pore diameter and has a thickness of 50 to 300µm, whereby water is retained by capillary force by said water-retaining layer when the at least one unit fuel cell is not working and is taken by the oxidizing gas against the capillary force when the at least one unit fuel cell is working.

23. (Currently amended) TheA fuel cell assembly according to claim 22, including at least one unit fuel cell comprising a cathode, an anode, and a membrane electrolyte placed therebetween, wherein said humidifier which humidifies the oxidizing gas is equipped with a water retaining layer, and wherein said water-retaining layer is a polypropylene non-woven cloth or a polyethylene-polypropylene non-woven cloth that is made hydrophilic.